

House File 757 - Enrolled

PAG LIN

HOUSE FILE 757

1 1
1 2
1 3 AN ACT
1 4 RELATING TO THE DISPOSITION OF ABANDONED VEHICLES.
1 5
1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 7
1 8 Section 1. Section 321.89, Code 2005, is amended to read
1 9 as follows:
1 10 321.89 ABANDONED VEHICLES.
1 11 1. DEFINITIONS. As used in this section and sections
1 12 321.90 and 321.91 unless the context otherwise requires:
1 13 a. "Abandoned vehicle" means any of the following:
1 14 (1) A vehicle that has been left unattended on public
1 15 property for more than twenty-four hours and lacks current
1 16 registration plates or two or more wheels or other parts which
1 17 renders the vehicle totally inoperable.
1 18 (2) A vehicle that has remained illegally on public
1 19 property for more than twenty-four hours.
1 20 (3) A vehicle that has been unlawfully parked on private
1 21 property or has been placed on private property without the
1 22 consent of the owner or person in control of the property for
1 23 more than twenty-four hours.
1 24 (4) A vehicle that has been legally impounded by order of
1 25 a police authority and has not been reclaimed for a period of
1 26 ten days. However, a police authority may declare the vehicle
1 27 abandoned within the ten-day period by commencing the
1 28 notification process in subsection 3.
1 29 (5) Any vehicle parked on the highway determined by a
1 30 police authority to create a hazard to other vehicle traffic.
1 31 (6) A vehicle that has been impounded pursuant to section
1 32 321J.4B by order of the court and whose owner has not paid the
1 33 impoundment fees after notification by the person or agency
1 34 responsible for carrying out the impoundment order.
1 35 b. "Demolisher" means ~~any city or public agency organized~~
~~2 1 for the disposal of solid waste, or any a person licensed~~
~~2 2 under chapter 321H~~ whose business it is to convert a vehicle
2 3 to junk, processed scrap, or scrap metal, or otherwise to
2 4 wreck or dismantle vehicles.
2 5 c. "Police authority" means the Iowa state patrol, any law
2 6 enforcement agency of a county or city, or any special
2 7 security officer employed by the state board of regents under
2 8 section 262.13.
2 9 2. AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A
2 10 police authority, upon the authority's own initiative or upon
2 11 the request of any other authority having the duties of
2 12 control of highways or traffic, shall take into custody an
2 13 abandoned vehicle on public property and may take into custody
2 14 an abandoned vehicle on private property. ~~A police authority~~
~~2 15 taking into custody an abandoned vehicle which has been~~
~~2 16 determined to create a traffic hazard shall report the reasons~~
~~2 17 constituting the hazard in writing to the appropriate~~
~~2 18 authority having duties of control of the highway.~~ The police
2 19 authority may employ its own personnel, equipment, and
2 20 facilities, or hire a private entity, equipment, and
2 21 facilities for the purpose of removing, preserving, storing,
2 22 or disposing of abandoned vehicles. If a police authority
2 23 employs a private entity to dispose of abandoned vehicles, the
2 24 police authority shall provide the private entity with the
2 25 names and addresses of the registered owners, all lienholders
2 26 of record, and any other known claimant to the vehicle or the
2 27 personal property found in the vehicle. The owners,
2 28 lienholders, or other claimants of the abandoned vehicle shall
2 29 not have a cause of action against a private entity for action
2 30 taken under this section, if the private entity provides
2 31 notice as required by subsection 3, paragraph "a", to those
2 32 persons whose names were provided by the police authority.
2 33 3. NOTIFICATION OF OWNER, LIENHOLDERS, AND OTHER
2 34 CLAIMANTS.
2 35 a. A police authority or private entity ~~which that~~ takes
3 1 into custody an abandoned vehicle shall notify, within twenty
3 2 days, by certified mail, the last known registered owner of
3 3 the vehicle, all lienholders of record, and any other known
3 4 claimant to the vehicle or to personal property found in the
3 5 vehicle, addressed to ~~their the parties'~~ last known addresses

3 6 of record, that the abandoned vehicle has been taken into
3 7 custody. Notice shall be deemed given when mailed. The
3 8 notice shall describe the year, make, model, and ~~serial~~
3 9 vehicle identification number of the vehicle, describe the
3 10 personal property found in the vehicle, set forth the location
3 11 of the facility where the vehicle is being held, and inform
3 12 the persons receiving the notice of their right to reclaim the
3 13 vehicle and personal property within ten days after the
3 14 effective date of the notice upon payment of all towing,
3 15 preservation, and storage charges resulting from placing the
3 16 vehicle in custody and upon payment of the costs of notice
3 17 required pursuant to this subsection. The notice shall also
3 18 state that the failure of the owner, lienholders, or claimants
3 19 to exercise their right to reclaim the vehicle or personal
3 20 property within the time provided shall be deemed a waiver by
3 21 the owner, lienholders, and claimants of all right, title,
3 22 claim, and interest in the vehicle or personal property and
3 23 that failure to reclaim the vehicle or personal property is
3 24 deemed consent to the sale of the vehicle at a public auction
3 25 or disposal of the vehicle to a demolisher and to disposal of
3 26 the personal property by sale or destruction. The notice
3 27 shall state that any person claiming rightful possession of
3 28 the vehicle or personal property who disputes the planned
3 29 disposition of the vehicle or property by the police authority
3 30 or private entity or of the assessment of fees and charges
3 31 provided by this section may ask for an evidentiary hearing
3 32 before the police authority to contest those matters. If the
3 33 persons receiving the notice do not ask for a hearing or
3 34 exercise their right to reclaim the vehicle or personal
3 35 property within the ten-day reclaiming period, the owner,
4 1 lienholders, or claimants shall no longer have any right,
4 2 title, claim, or interest in or to the vehicle or the personal
4 3 property. A court in any case in law or equity shall not
4 4 recognize any right, title, claim, or interest of the owner,
4 5 lienholders, or claimants, after the expiration of the ten-day
4 6 reclaiming period.

4 7 b. ~~If the identity of the last registered owner cannot be~~
~~4 8 determined, or if the registration contains no address for the~~
~~4 9 owner, or if it is impossible to determine with reasonable~~
4 10 certainly the identity and addresses of the last registered
4 11 owner and all lienholders, notice by one publication in one
4 12 newspaper of general circulation in the area where the vehicle
4 13 was abandoned shall be sufficient to meet all requirements of
4 14 notice under this section. The published notice may contain
4 15 multiple listings of abandoned vehicles and personal property
4 16 but shall be published within the same time requirements and
4 17 contain the same information as prescribed for mailed notice
4 18 in paragraph "a".

4 19 c. ~~The owner, lienholders, or claimants may, by written~~
~~4 20 request delivered to the police authority or private entity~~
~~4 21 prior to the expiration of the ten-day reclaiming period,~~
~~4 22 obtain an additional five days within which the vehicle or~~
~~4 23 personal property may be reclaimed.~~

4 24 4. AUCTION OF ABANDONED VEHICLES. If an abandoned vehicle
4 25 has not been reclaimed as provided for in subsection 3, the
4 26 police authority or private entity shall make a determination
4 27 as to whether or not the vehicle shall be sold for use upon
4 28 the highways. If the vehicle is not sold for use upon the
4 29 highways, it shall be sold for junk, or demolished and sold as
4 30 scrap. The police authority or private entity shall sell the
4 31 vehicle at public auction. Notwithstanding any other
4 32 provision of this section, a police authority or private
4 33 entity, which has taken into possession any abandoned vehicle
4 34 ~~which lacks an engine, two or more wheels, another part which~~
4 35 ~~renders the vehicle totally inoperable, or which has a fair~~
5 1 ~~market value of less than five hundred dollars as determined~~
5 2 ~~by the police authority or private entity, may dispose of the~~
5 3 vehicle to a demolisher for junk without public auction after
5 4 complying with the notification procedures in subsection 3.
5 5 The purchaser of the vehicle takes title free and clear of all
5 6 liens and claims of ownership, shall receive a sales receipt
5 7 from the police authority or private entity, and is entitled
5 8 to register the vehicle and receive a certificate of title if
5 9 sold for use upon the highways. If the vehicle is sold or
5 10 disposed of to a demolisher for junk, the demolisher shall
5 11 make application for a junking certificate to the county
5 12 treasurer within thirty days of purchase and shall surrender
5 13 the sales receipt in lieu of the certificate of title.

5 14 From the proceeds of the sale of an abandoned vehicle the
5 15 police authority, if the police authority did not hire a
5 16 private entity, shall reimburse itself for the expenses of the

5 17 auction, the costs of towing, preserving, and storing which
5 18 resulted from placing the abandoned vehicle in custody, all
5 19 notice and publication costs incurred pursuant to subsection
5 20 3, the cost of inspection, and any other costs incurred except
5 21 costs of bookkeeping and other administrative costs. Any
5 22 remainder from the proceeds of a sale shall be held for the
5 23 owner of the vehicle or entitled lienholder for ninety days,
5 24 and shall then be deposited in the road use tax fund. The
5 25 costs to police authorities of auction, towing, preserving,
5 26 storage, and all notice and publication costs, and all other
5 27 costs which result from placing abandoned vehicles in custody,
5 28 whenever the proceeds from a sale of the abandoned vehicles
5 29 are insufficient to meet these expenses and costs, shall be
5 30 paid from the road use tax fund and are the obligation of the
5 31 last owner or owners, jointly and severally.

5 32 The director of transportation shall establish by rule a
5 33 claims procedure to be followed by police authorities in
5 34 obtaining expenses and costs from the fund and procedures for
5 35 reimbursement of expenses and costs to a private entity hired
6 1 to take custody of an abandoned vehicle. If a private entity
6 2 has been hired, the police authority ~~may~~ shall file a claim
6 3 with the department for reimbursement of towing fees which
6 4 shall be paid from the road use tax fund.
6 5
6 6
6 7

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

6 16 I hereby certify that this bill originated in the House and
6 17 is known as House File 757, Eighty-first General Assembly.
6 18
6 19

MARGARET THOMSON
Chief Clerk of the House

6 23 Approved _____, 2005
6 24
6 25

6 27 THOMAS J. VILSACK
6 28 Governor